

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul C. Rogers et al.

Title: CALL MANAGEMENT SYSTEM WITH CALL CONTROL FROM USER WORKSTATION  
COMPUTERS

Docket No.: 2046.086US4

Filed: July 27, 1999

Examiner: Olisa Anwah



Serial No.: 09/360,719

Due Date: N/A

Group Art Unit: 2645

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

- Return postcard.
- Renewed Petition to Withdraw Holding of Abandonment Based on Failure to Receive the Notice of Allowance (2 pgs.).
- Petition to Withdraw Holding of Abandonment (2 pgs.).
- Signed Statement of Mark Vatuone (1 pg.).
- Signed Statement of Kacia Lee (1 pg.).
- Exhibit 1 (copy of email sent by Kacia Lee on March 14, 2006) (1 pg.).
- Exhibit 2 (Screen Print taken from Foundation IP on March 14, 2006) (3 pgs.).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 21186

By: Mark T. Vatuone

Atty: Mark R. Vatuone

Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 8 day of June, 2006.

Dawn R. Shaw  
Name

Dawn R. Shaw  
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
(GENERAL)

RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT

S/N 09/360,719

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul C. Rogers et al. Examiner: Olisa Anwah  
Serial No.: 09/360,719 Group Art Unit: 2645  
Filed: July 27, 1999 Docket: 2046.086US4  
Title: CALL MANAGEMENT SYSTEM WITH CALL CONTROL FROM  
USER WORKSTATION COMPUTERS

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RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE THE NOTICE OF ALLOWANCE  
UNDER 37 CFR 1.181

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the Decision on Petition Under 37 C.F.R. 1.181 mailed May 5, 2006 in the above-identified patent application, Applicants hereby request that the holding of abandonment be withdrawn.

This request is accompanied by a Petition to Withdraw Holding of Abandonment based on a Failure to Receive the Notice of Allowance Under 37 CFR 1.181, a signed Statement of Mark Vatuone, a signed Statement of Kacia Lee, an Exhibit 1 of a copy of an email sent by Kacia Lee on March 14, 2006, and an Exhibit 2 of screen-print taken from an electronic docketing system, Foundation IP, on March 14, 2006.

Applicants believe that the renewed petition to withdraw the holding of abandonment for the present application is now appropriate under 37. C.F.R. 1.181, and that action is respectfully requested.

It is Applicants' understanding that no fee is required for a renewed petition to withdraw a holding of abandonment. (See MPEP 711.03(c)), and therefore no fee is enclosed. However, if a fee is required, please charge it to Deposit Account No. 19-0743.

Included with the original Petition to Withdraw Holding of Abandonment filed on April 11, 2006 was an Issue Fee Transmittal (1 pg.), inluding authorization to charge the Deposit Account No. 19-0743 in the amount of \$1409.00 to pay the Issue Fee and 3 advance copies. Applicants discussed the matter in a telephone converstaion with a

representative of the Office of Petitions who indicated the Issue Fee for the present application has already been payed responsive to receipt of the above mentioned Issue Fee Transmittal. Applicants request that the payed Issue Fee be applied to the present application responsive to a decision to grant the present renewed petition

The Examiner is invited to telephone Applicant's attorney at 408-278-4046 to facilitate the prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

PAUL C. ROGERS ET AL.

By their Representatives,  
SCHWEGMAN, LUNDBERG, WOESSNER &  
KLUTH, P.A.  
P.O. Box 2938  
Minneapolis MN 55402  
(408) 278-4046

Date: 6/7/2006

By: Mark Vatuone  
Mark Vatuone  
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8 day of ~~DATE @ "MMMM"~~ May, ~~DATE @ "yyyy"~~ 2006.

Dawn R. Shaw  
Name

Dawn R. Shaw  
Signature



S/N 09/360,719

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

JUN 12 2006 Applicants: Paul C. Rogers et al. Examiner: Olisa Anwah  
Serial No.: 09/360,719 Group Art Unit: 2645  
Filed: July 27, 1999 Docket: 2046.086US4  
Title: CALL MANAGEMENT SYSTEM WITH CALL CONTROL FROM  
USER WORKSTATION COMPUTERS

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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON  
FAILURE TO RECEIVE THE NOTICE OF ALLOWANCE  
UNDER 37 CFR 1.181**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In response to the Decision on Petition Under 37 C.F.R. 1.181 mailed May 5, 2006 in the above-identified patent application, Applicants hereby request that the holding of abandonment be withdrawn.

This request is accompanied by a signed Statement of Mark Vatuone, a signed Statement of Kacia Lee, an Exhibit 1 of a copy of an email sent by Kacia Lee on March 14, 2006, and an Exhibit 2 of screen-print taken from an electronic docketing system, Foundation IP, on March 14, 2006.

Abandonment per Examiner Olisa Anwah for the above-identified patent application took place when Applicants failed to pay the Issue Fee due on February 23, 2006 required by the Notice of Allowance allegedly mailed on November 23, 2005.

Applicants had not received the Notice of Allowance as of March 14, 2006 as attested to by the signed statement of the practitioner assigned to the above mentioned application, Mark Vatuone and the Workflow and Process Coordinator for the law firm prosecuting the above mentioned Application, Kacia Lee. Further, the signed statement of Mark Vatuone attests to the fact that a search of the file jacket and docket records indicated that the Notice of Allowance had not been received as of March 14, 2006.

Applicants respectfully request the withdrawal of the holding of abandonment based on the proffered signed statements of Mark Vatuone, Kacia Lee, and the screen-print of the electronic document attached hereto.

It is Applicants' understanding that no fee is required for a petition to withdraw a holding of abandonment. (See MPEP 711.03(c)), and therefore no fee is enclosed. However, if a fee is required, please charge it to Deposit Account No. 19-0743.

The Examiner is invited to telephone Applicant's attorney at 408-278-4046 to facilitate the prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

PAUL C. ROGERS ET AL.

By their Representatives,  
SCHWEGMAN, LUNDBERG, WOESSNER &  
KLUTH, P.A.  
P.O. Box 2938  
Minneapolis MN 55402  
(408) 278-4046

Date: 6/7/2006

By: Mark Vatuone  
Mark Vatuone  
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8 day of DATE @ "MMMM" May, DATE @ "yyyy" 2006.

Name Dawn R. Shaw Dawn R. Shaw  
Signature



S/N 09/360,719

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Paul C. Rogers et al. Examiner: Olisa Anwah  
Serial No.: 09/360,719 Group Art Unit: 2645  
Filed: July 27, 1999 Docket: 2046.086US4  
Title: CALL MANAGEMENT SYSTEM WITH CALL CONTROL FROM  
USER WORKSTATION COMPUTERS

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**STATEMENT OF MARK VATUONE IN SUPPORT OF PETITION TO  
WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, Mark Vatuone, hereby state that I am the practitioner assigned to the Application No. 09/360,719 (hereinafter Application).

I became aware that a Notice of Allowance for the Application had been allegedly mailed by the USPTO and not received by our law firm when I received an email (Exhibit 1) from a paralegal assistant, Kacia Lee, on Tuesday March 14, 2006. Kacia also took a screen-print of the docket for the Application (Exhibit 2) from Foundation IP (FIP) on the same day and attached the screen-print to the email (See Exhibit 1, "FIP screen-print.pdf").

The screen-print (Exhibit 2) was taken off an electronic docketing system, Foundation IP, which includes the electronic docketing records used by attorneys, paralegals, paralegal assistants, and others at SLWK to manage cases at SLWK. The "Serial #" of the Application may be found on the left top third part of the screen-print and is 09/360,719. The screen-print does not include a Notice of Allowance activity and includes all of the activities for the Application that had been docketed by SLWK as of 3/14/2006. Accordingly, the screen-print is strong evidence that SLWK had not received a Notice of Allowance for the Application as of 3/14/2006.

I also searched the file jacket for the Application and did not find a Notice of Allowance marked with a received date by the Portfolio IP Department before March 14, 2006 or a Notice of Allowance marked with a received date by the Case Management Group before March 14, 2006. This is also strong evidence that SLWK did not receive a Notice of Allowance for the Application prior to March 14, 2006 because, as a matter of routine business practice, all communications from the USPTO are date-stamped by the Portfolio IP (PIP) Department on the date on which they are received. Further, as a matter of routine business practice, the PIP Department sends the stamped communication to the Case Management Group (CMG) which also date stamps the communication on the date

on which the communication is received and enters the communication into the file jacket.

Based on the above described search of the electronic docket records, file jacket, and email, I conclude that the Notice of Allowance for the Application was not received or discovered by SLWK until 3/14/2006.

Executed on 6/7, 2006, in Gilroy, California



Mark R. Vatuone,  
Mark R. Vatuone,



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Paul C. Rogers et al. Examiner: Olisa Anwah  
Serial No.: 09/360,719 Group Art Unit: 2645  
Filed: July 27, 1999 Docket: 2046.086US4  
Title: CALL MANAGEMENT SYSTEM WITH CALL CONTROL FROM USER  
WORKSTATION COMPUTERS

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STATEMENT OF KACIA LEE IN SUPPORT OF PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I Kacia Lee, hereby state that I am the Workflow and Process Coordinator for the law firm that is prosecuting the Application No. 09/360,719 (hereinafter Application).

On March 14, 2006 I was running reports that required me to access the USPTO PAIR facility and unexpectedly noticed that a Notice of Allowance for the Application was mailed on 11/23/2005 that we had never received. I downloaded the Notice of Allowance (NOA) from PAIR and took a screen-print of the electronic docket records for the Application from Foundation IP, our electronic docketing system. Next, I drafted an email, a copy of which is included with this statement as Exhibit 1, attached the NOA (see "09360719.pdf" on Exhibit 1) to the email, attached the screen-print (see "FIP screen-print.pdf" on Exhibit 1) to the email, and sent the email to Dawn Shaw, Mark Vatuone, Andre Marais and Nancy Cournoyer.

Executed on May 24, 2006, in Minneapolis, Minnesota

Kacia Lee  
Kacia Lee

Workflow and Process Coordinator

**Exhibit 1**



Mark Vatuone

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**From:** Kacia Lee  
**Sent:** Tuesday, March 14, 2006 10:32 AM  
**To:** Dawn Shaw; Mark Vatuone  
**Cc:** Andre Marais; Nancy Cournoyer  
**Subject:** 2046.086US4 - never received Notice of Allowance  
**Importance:** High  
**Attachments:** 09360719.pdf; FIP screen-print.pdf

Dawn & Mark,

I just stumbled upon this case, 2046.086US4, and it looks like a Notice of Allowance was mailed on 11/23/05 but we never received it! We're past the 3-month date for paying the issue fee at this point. I'm attaching a copy of the NoA that I downloaded from PAIR—please note that this has NOT been sent to PIP for processing. You will want to make sure that it gets entered and you will probably need to file a Petition to Withdraw Holding of Abandonment.

Kacia M. Lee  
Workflow & Process Coordinator  
klee@slwk.com  
Ph.: 612-371-2142  
Fax: 612-339-3061

This electronic transmission contains information which is confidential and/or privileged. The information is intended for use only by the individual or entity named above. If you are not the intended recipient (or the employee or agent responsible for delivering this information to the intended recipient), you are hereby notified that any use, dissemination, distribution, or copying of this communication is prohibited. If you have received this information in error, please notify me immediately by telephone at 612-373-6900 or by electronic mail and delete all copies of the transmission. Thank you.

Schwegman, Lundberg, Woessner & Kluth, P.A.  
1600 TCF Tower, 121 South Eighth Street, Minneapolis, MN 55402  
Telephone: (612) 373-6900 Fax: (612) 339-3061 Web site: [www.slwk.com](http://www.slwk.com)

**Exhibit 2**

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## Matter

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Title:	CALL MANAGEMENT SYSTEM WITH CALL CONTROL FROM USER WORKSTATION COMPUTERS		
Type:	Utility - DIV	Country:	United States of America
Client:	Aspect Software, Inc.	Client File #:	2950P086D3
FIP ID:	120262	Publication Date:	
Status:	Pending	Matter Entity Size:	Large
Date Filed:	Jul 27, 1999	Issue Date:	
Serial #:	09/360,719	Patent #:	
Prototype:	No	Default category prototype:	No

Created by: Jana Ottmar, Nov 24, 2004 Hosted By: Schwegman Lundberg Woessner &amp; Kluth, P.A.

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<input type="checkbox"/>	Activity	Description/Comments	Status	Date 1	Date 2	Quick Links	Edit	Add
<input type="checkbox"/>	<a href="#">Matter Management</a>	Client wants to do a continuation - see email from ALM - ds					<a href="#">Edit</a>	<a href="#">-- Add --</a>
<input type="checkbox"/>	<a href="#">Examiner's Answer</a>		Open: Docket Items	Answer Expected : 12/20/2005			<a href="#">Edit</a>	<a href="#">-- Add --</a>
<input type="checkbox"/>	<a href="#">Appeal Brief</a>	Appeal Brief	Completed	Date Done : 09/20/2005	Date reported to client : 09/28/2005		<a href="#">Edit</a>	<a href="#">-- Add --</a>
<input type="checkbox"/>	<a href="#">Advisory Action Response</a>		Completed	Date Done : 09/20/2005	Date PTO Received : 09/22/2005		<a href="#">Edit</a>	<a href="#">-- Add --</a>
<input type="checkbox"/>	<a href="#">Advisory Action Received</a>	Advisory Action Received. Portfolio had this doc from 08/15/2005. CMG rec'd doc on 08/18/2005	Completed	Date Mailed : 08/11/2005	Date of E Report to client : 08/23/2005		<a href="#">Edit</a>	<a href="#">-- Add --</a>
<input type="checkbox"/>	<a href="#">Amendment and Response to Final Office Action</a>	Amendment and Response to Final Office Action. CMG rec'd notification of completed Amend/Respon by email from DS on 07-19-2005.	Open: Tasks	Date Done : 07/19/2005	07/21/2005		<a href="#">Edit</a>	<a href="#">-- Add --</a>
<input type="checkbox"/>	<a href="#">Notice of Appeal</a>		Completed	Date Done : 07/19/2005	Date Mailed : 04/21/2005		<a href="#">Edit</a>	<a href="#">-- Add --</a>
<input type="checkbox"/>	<a href="#">Final Office Action Received</a>	Reference had to be sent under separate cover. Outlook email is attached to this file.	Completed	Date Mailed : 04/21/2005	Date Reported to Client : 05/03/2005		<a href="#">Edit</a>	<a href="#">-- Add --</a>
<input type="checkbox"/>	<a href="#">Revocation and Power of Attorney Filed</a>	Revocation and Power of Attorney Filed	Completed	Date Filed : 03/29/2005	Date Reported to Client : 03/30/2005		<a href="#">Edit</a>	<a href="#">-- Add --</a>
<input type="checkbox"/>	<a href="#">Office Action Response</a>		Completed	Date Done : 02/08/2005	Postcard Received : 02/23/2005		<a href="#">Edit</a>	<a href="#">-- Add --</a>

Date Date E-

<input type="checkbox"/> <a href="#"><u>Office Action Received</u></a>	Completed	Mailed : 11/17/2004	Reported to Client : 01/31/2005		Edit	<a href="#">- Add -</a>			
<input type="checkbox"/> <a href="#"><u>Office Action Response</u></a>	Amendment Response with Formal Drawings	Completed	Date Done : 09/08/2004	Date Received : 09/17/2004		Edit	<a href="#">- Add -</a>		
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<input type="checkbox"/> <a href="#"><u>Amendment and Response to Final Office Action</u></a>	Amendment and Response to Final Office Action	Open: Tasks	Date Done : 01/22/2004	Postcard Expected : 03/04/2004		Edit	<a href="#">- Add -</a>		
<input type="checkbox"/> <a href="#"><u>Notice of Appeal</u></a>		Completed	Date Done : 01/22/2004	Date Mailed : 10/22/2003		Edit	<a href="#">- Add -</a>		
<input type="checkbox"/> <a href="#"><u>Information Disclosure Statement</u></a>		Completed	Date Filed : 01/22/2004			Edit	<a href="#">- Add -</a>		
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<input type="checkbox"/> <a href="#"><u>Final Office Action Received</u></a>	Final Office Action Received	Completed	Date Mailed : 10/22/2003	Date Received : 10/27/2003		Edit	<a href="#">- Add -</a>		
<input type="checkbox"/> <a href="#"><u>Notice of Acceptance of Power of Attorney</u></a>		Completed	Date mailed : 09/25/2003	Date received : 09/30/2003		Edit	<a href="#">- Add -</a>		
<input type="checkbox"/> <a href="#"><u>Revocation and Power of Attorney Filed</u></a>	Revocation and Power of Attorney Filed	Open	Date Filed : 06/04/2003	Date Postcard Received : 06/16/2003		Edit	<a href="#">- Add -</a>		
<input type="checkbox"/> <a href="#"><u>Non Final Office Action Received</u></a>	Non Final Office Action Received	Completed	Date Mailed : 04/04/2003	Date Received : 04/30/2003		Edit	<a href="#">- Add -</a>		
<input type="checkbox"/> <a href="#"><u>Application Under 37 C.F.R. 1.53 (b) Filed - Divisional</u></a>		Open: Tasks	07/27/1999	Postcard Expected : 09/07/1999		Edit	<a href="#">- Add -</a>		
<input type="checkbox"/> <a href="#"><u>Formal Drawings Filed</u></a>		Open	Date Filed : 07/27/1999			Edit	<a href="#">- Add -</a>		

